

1 Ryan R. West, NV Bar No. 8721
2 **CORVUS LAW GROUP, LLC**
3 9980 West Flamingo Road
4 Las Vegas, NV 89147
5 Telephone: (888) 315-4735
6 Facsimile: (888) 316-0929
7 ryan@corvuslaw.com

8 Attorney for Plaintiffs

9
10 PETER M. BOFFELLI, JR. and TAMMY L.
11 CULLUM-BOFFELLI,

12 Plaintiffs,

13 v.
14 EMC MORTGAGE CORPORATION,
15 MORTGAGE ELECTRONIC
16 REGISTRATION SYSTEM, and AMERICAN
17 HOME MORTGAGE,

18 Defendants.

19
20 **STIPULATED MOTION FOR
21 ENLARGEMENT OF TIME TO FILE
22 OPPOSITION TO DEFENDANTS'
23 MOTION TO DISMISS**

24 **(Second Request)**

25 **Civil No.: 2:10-cv-1514**

26 **Judge: Philip M. Pro**

27 Plaintiffs Peter M. Boffelli, Jr. and Tammy L. Cullum-Boffelli ("Plaintiffs") and
28 Defendants JPMorgan Chase Bank, N.A., as successor in interest to EMC Mortgage LLC,
1 formerly known as EMC Mortgage Corporation (sued as EMC Mortgage Corporation) and
2 Mortgage Electronic Registration Systems, Inc. (collectively "Defendants"), by and through their
3 respective counsel of record, jointly stipulate and move this Court for an Order enlarging time for
4 Plaintiffs to respond to Defendants' Motion to Dismiss. In support of this stipulation, the parties
5 state the following:

6 1. Plaintiffs filed their First Amended Complaint on or about December 29, 2010. (See

7 Doc. 4.)

2. At Defendants' request, Plaintiffs granted Defendants an extension of time to prepare and file their responsive pleading. Defendants thereafter filed a Motion to Dismiss on April 1, 2011. (*See* Doc. 9.) Plaintiffs' response to the motion was due on April 18,

3. On or around April 22, 2011, Plaintiffs requested an extension of time to prepare and file their opposition to Defendants' motion to dismiss. Defendants granted Plaintiffs' request and agreed to the extension.

4. By the time Plaintiffs prepared and submitted a draft stipulation regarding the extension to Defendants for their review, however, on April 25, 2011, the Court entered an Order granting Defendants' motion to dismiss and terminating this case. (See Doc. 11.)

5. The Court's Order notwithstanding, the parties had previously agreed to allow Plaintiffs additional time to respond to the motion to dismiss.

6. Based on the parties' stipulation, the Court vacated that Order and Ordered the Plaintiffs to file their Opposition to the Motion to Dismiss by May 16, 2011.

7. The parties are actively engaged in settlement discussions and for that reason, jointly request an Order from this Court granting the Plaintiffs additional time to file their Opposition to the Motion to Dismiss.

8. The parties agree that the Plaintiffs' Opposition shall be due on or before May 23, 2011.

11

11

11

9. The parties agree that Defendants' Reply shall be due within ten (10) days of service of Plaintiff's Opposition.

DATED this 16th day of May, 2011.

CORVUS LAW GROUP, LLC

SMITH LARSEN & WIXOM

/s/ Ryan R. West
Ryan R. West

/s/ Jordan J. Butler
Jordan J. Butler

Attorney for Plaintiffs

Attorney for Defendants JPMorgan Chase Bank, N.A., as successor in interest to EMC Mortgage LLC, formerly known as EMC Mortgage Corporation, and Mortgage Electronic Registration Systems, Inc.

ORDER

IT IS SO ORDERED.

Philip M. Orr

UNITED STATES DISTRICT JUDGE

DATED: May 18, 2011

1
CERTIFICATE OF SERVICE

2 I hereby certify that on May 16, 2011, I served the foregoing **STIPULATED MOTION**
3 **TO SET ASIDE DEFAULT JUDGMENT AND STIPULATED MOTION FOR**
4 **ENLARGEMENT OF TIME TO FILE OPPOSITION TO DEFENDANTS' MOTION TO**
5 **DISMISS** on the following via a Notice of Electronic Filing ("NEF") from the Court's CM/ECF
system:

6 Jay Earl Smith (jes@slwlaw.com)
7 Jordan J. Butler (jjb@slwlaw.com)
8 SMITH LARSEN & WIXOM
9 Hills Center Business Park
10 1935 Village Center Circle
11 Las Vegas, Nevada 89134
12 Phone: 702.252.5002
13 Fax: 702.252.5006

14 *Attorneys for Defendants EMC Mortgage Corporation
15 and Mortgage Electronic Registration Systems, Inc.*

16
17 /s/ Ryan R. West
18
19
20
21
22
23
24
25
26
27
28